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TRAILERS INTL LLC and VINCENT L. WEBB

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TRAILERS INTL LLC, a Nevada
Corporation, and **VINCENT L. WEBB**, an
individual,

Plaintiffs,

v.

**STC INTERNATIONAL (SHANGHAI)
CO., LTD.**, a foreign corporation,
**ROCKFORD COMMERCIAL
WAREHOUSE, INC.**, a Illinois
corporation, and **POWER EQUIPMENT
DIRECT INC.**, a Delaware corporation,

Defendants.

Case: 3:17-cv-1432

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT,
TRADEMARK INFRINGEMENT,
UNFAIR COMPETITION,
and BREACH OF CONTRACT**

Jury Trial Demanded

Plaintiffs Trailers Intl LLC (“Trailers Intl”) and Vincent L. Webb (“Webb”), file this Complaint against STC International (Shanghai) Co., Ltd. (“STC International”), Rockford Commercial Warehouse, Inc. (“Rockford”) (collectively “STC Defendants”), and Power Equipment Direct Inc. (“PED”).

Defendants, and allege as follows:

1. This is an action for copyright infringement, trademark infringement, unfair competition, and breach of contract. By this action, Webb and Trailers Intl seek: (a) damages arising from Defendants’ infringement of Webb’s trademark rights and copyrights, and related injuries, (b) injunctive relief against Defendants’ continued importation and or sale of infringing trailers, and (c) reimbursement of Webb’s and Trailers Intl’s attorney fees and costs incurred in connection with their efforts to protect their intellectual property rights.

2. This action arises out of the manufacture, importation, offer for sale, sale, and distribution in the United States of unauthorized copies of UtilitySport® trailers illegally distributed by the STC Defendants.

JURISDICTION

3. This is a suit for trademark infringement, and unfair competition and false designation of origin under 15 U.S.C. Sections 1051 et seq. (the “Lanham Act”), and copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the “Copyright Act”). This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338 (copyright and trademark). This Court has jurisdiction over the breach of contract claim because this claim is related to

the Lanham and Copyright claims and are within the Court's supplemental jurisdiction under 28 U.S.C. § 1367.

4. This Court has personal jurisdiction over Defendants because each of the Defendants have committed acts in this district or directed at this district constituting or contributing to the infringement alleged, so that a substantial part of the acts and events giving rise to the claims occurred in, or were directed at, this judicial district.

5. This Court has personal jurisdiction over STC International because the claims against them arise directly from their business activities directed at this judicial district, including but not limited to STC International's registration with the State of Oregon to sell trailers and their business dealings with Plaintiffs in Oregon.

6. This Court has personal jurisdiction over Rockford because it is a U.S. entity that has committed acts in this district or directed at this district constituting or contributing to the claims alleged, and a substantial part of the acts and events giving rise to the claims occurred in, or were directed at, this judicial district.

7. PED has an interactive website on which a customer may place an order for a trailer to be delivered to Oregon. PED has sold at least one infringing UtilitySport® trailer in this district. This case is related to Trailers Intl LLC et al v. Mastercraft Tools Florida, 3:15-cv-171-MO currently pending in this district in which PED is also a defendant.

PARTIES

8. Plaintiff Vincent L. Webb is an individual who presently resides in Grants Pass, Oregon. Webb is the President of Trailers Intl LLC, and has been in the business of designing and manufacturing utility trailer kits since 2004. Webb is the exclusive owner of the federally registered trademarks UtilityMate® (U.S. Reg. No. 3,226,766), UtilitySport®

(U.S. Reg. No. 3,278,153), “BUILD IT AND SAVE”® (U.S. Reg. No. 4,458,788), and “4 in 1”® (U.S. Reg. No. 4,582,732), and the common law trademarks “UtilityDump”™ and “EZ Dump”™. Webb is also the exclusive owner of federally registered copyrights for UtilityMate Trailer Owner’s Manuals (Reg. No. TX 7-187-973), and UtilityMate Web Site, Product Catalog, Sales Material & Package Artwork (Reg. No. TX 7-748-097).

9. Plaintiff Trailers Intl LLC is a Nevada corporation with its principal place of business at 2788 Foothill Boulevard, Grants Pass, Oregon 97526. Trailers Intl is in the business of manufacturing, importing, and selling high quality utility trailer kits under the brand names UtilityMate® and UtilitySport®. Trailers Intl licenses the right to use Webb’s intellectual property portfolio, which includes Webb’s federally registered trademarks, common law trademark, and federally registered copyrights listed above.

10. Trailers Intl operates and maintains the websites www.trailersintl.com, www.utilitymate.com, www.utilitysport.com, and www.utilitydump.com, which it uses in connection with its utility trailer business.

11. STC International is a corporate entity with offices located at Suite A, FL 34, New Shanghai International Tower, No. 360 South Pudong Road, Shanghai, China.

12. Rockford is a corporation organized under the laws of Illinois now located at 8105 Burden Road, Machesney Park, Illinois 61115.

13. Rockford operates or has operated under the following assumed names, which are currently listed as Active: STC International; UtilityDump Trailers; Build A Better Trailer.

14. Rockford stores trailers imported by the STC International at its warehouse in Chicago.

15. The STC Defendants have obtained formal approval from the State of Oregon to sell trailers for use within the state.

16. Upon information and belief, the STC Defendants use a variety of corporate entities, assumed names, and business addresses to hide the relationship between these various entities, brands, and businesses, to mask the identity of the true owners of the STC Defendants, and, upon information and belief, to avoid prospective judgment creditors of the various STC Defendants.

17. Defendant Power Equipment Direct Inc., (“PED”) is a Delaware company with its principal place of business at 1325 Rodeo Drive, Bolingbrook, Illinois 60490-4933.

18. Defendant PED operates and maintains the websites www.powerequipmentdirect.com and www.mowersdirect.com, by which it has advertised, offered for sale, and sold unauthorized trailers across the United States.

ALLEGATIONS

19. Webb is the President of Trailers Intl LLC. Webb has been in the business of designing, developing, and selling utility trailer kits since 2004. Webb and Trailers Intl conduct their utility trailer business primarily from the Trailers Intl office and warehouse facility located in Grants Pass, Oregon. Webb and Trailers Intl advertise and sell genuine utility trailer kits online under federally registered trademarked brand names.

20. Webb is the exclusive owner of copyrights related to genuine trailer kits and possesses copyright registrations with the United States Copyright Office relating to the same, specifically U.S. Copyright Registration Numbers TX 7-187-973 and TX 7-748-097.

21. Webb is the exclusive owner of United States Trademark Registration Numbers 3,226,766, 3,278,153, 4,458,788, and 4,582,732 (“Webb’s federally registered marks”). The table below provides details regarding Webb’s federally registered marks.

Registration Data	Mark
Mark: UTILITYMATE Filing Date: June 6, 2005 Registration Number: 3226766 Registration Date: April 10, 2007 Goods: Cargo Trailers	
Mark: UTILITYSPORT Filing Date: October 2, 2005 Registration Number: 3278153 Registration Date: August 7, 2007 Goods: Cargo Trailers	
Mark: BUILD IT AND SAVE Filing Date: May 14, 2013 Registration Number: 4458788 Registration Date: December 13, 2013 Goods: Utility Trailers	
Mark: 4 IN 1 Filing Date: May 14, 2013 Registration Number: 4582732 Registration Date: August 12, 2014 Goods: Utility Trailers	

22. Trailers Intl is the licensee of the right to use Webb’s federally registered trademarks and copyrights. Trailers Intl is the manufacturer of genuine UtilityMate® and UtilitySport® trailer kits.

23. Mr. Webb owns the designs, drawings, and tooling for steel UtilitySport® trailers in the possession of STC International.

24. Mr. Webb entered into a contract with STC International in September 2011 for the manufacture of trailers in which STC International promised, among other things that it would not compete with the sale of the trailer products contemplated by the

agreement, it would protect Mr. Webb's intellectual property, it would promote sales of steel utility trailers, and it would share the proceeds of sale of UtilitySport® trailers with Mr. Webb.

25. STC International has manufactured, advertised, and/or sold steel utility trailers from Mr. Webb's designs under the SuperTest name and/or UtilitySport® name without permission from Mr. Webb.

26. STC International sold steel utility trailers in competition with Mr. Webb's UtilitySport® trailers and without compensating Mr. Webb.

27. Documents included with infringing trailers include Mr. Webb's copyrighted materials without permission from Mr. Webb.

28. Documents included with infringing trailers include materials such as warranty registration card with the address for Trailers Intl for mailing in registration information.

29. Infringing steel trailers not authorized by Mr. Webb were offered for sale and sold by PED under the UtilitySport® mark without authorization from Mr. Webb. On information and belief, written materials included with each trailer include Mr. Webb's copyrighted materials without permission from Mr. Webb.

30. Orders for trailers offered for sale under the UtilitySport® mark were sometimes fulfilled with trailers bearing the SuperTest name.

CLAIM ONE – COPYRIGHT INFRINGEMENT
(Against all Defendants)

31. Webb and Trailers Intl repeat and reallege each of the allegations contained in paragraphs 1 through 30 above as if fully set forth herein.

32. Defendants' acts constitute copyright infringement in violation of 17 U.S.C. § 501.

33. Webb is the author and copyright holder of copyrighted material for his steel utility trailers. Webb has registered the owner's manual and contents, web site, product catalog, sales material and package artwork associated with his utility trailers with the U.S. Copyright Office.

34. Each Defendant distributed steel utility trailers that included manuals containing Webb's copyrighted material.

35. PED displayed Webb's copyrighted material on its website in advertisements for UtilitySport® trailers.

36. Defendants' activities described hereinabove violate Webb's exclusive rights and privileges under the Copyright Act.

37. Defendants' use of Webb's copyrighted material is without Webb's or Trailers Intl's consent or permission.

CLAIM TWO – TRADEMARK INFRINGEMENT
(Against all Defendants)

38. Webb and Trailers Intl repeat and reallege each of the allegations contained in paragraphs 1 through 37 above as if fully set forth herein.

39. Defendants' acts constitute trademark infringement in violation of 15 U.S.C. § 1114(1).

40. Webb's UtilitySport®, trademark is a valid, federally registered trademark owned by Webb.

41. Defendants have used Webb's UtilitySport® trademark in connection with the sale of unauthorized steel utility trailers.

42. Defendants' use of Webb's UtilitySport® trademark has caused confusion, mistake, or deception as to the source of the products.

43. Defendants' use of Webb's UtilitySport® trademark is without Webb's consent or permission.

44. Defendants' unauthorized use of the UtilitySport® mark has caused actual customer confusion as to the source of the unauthorized trailers.

45. Defendants' acts of trademark infringement, have caused Webb and Trailers Intl to sustain damages.

CLAIM THREE – UNFAIR COMPETITION
(Against all Defendants)

46. Webb and Trailers Intl repeat and realleges each of the allegations contained in paragraphs 1 through 45 above as if fully set forth herein.

47. Defendants have used in commerce Plaintiffs' name UtilitySport® in connection with the steel utility trailers that were not authorized by Plaintiffs.

48. Defendants have fulfilled orders for UtilitySport® trailers with trailers marked with the SuperTest mark without authorization.

49. The STC Defendants have used Plaintiffs' copyrights and names to sell SuperTest trailers without authorization.

50. Defendants' acts constitute unfair competition under 15 U.S.C. § 1125(a)(1).

CLAIM FOUR – BREACH OF CONTRACT
(Against STC International)

51. Webb and Trailers Intl repeat and reallege each of the allegations contained in paragraphs 1 through 50 above as if fully set forth herein.

52. STC International's acts constitute breach of contract.

53. STC International's breach has caused damage to Webb.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Vincent L. Webb and Trailers Intl LLC pray for the following relief:

- A. A judgment for Plaintiffs against Defendants;
- B. A judgment awarding Plaintiffs compensatory and/or statutory damages as a result of Defendants' actions, together with interest and costs;
- C. An injunction against further infringement; and
- D. Such other and further relief as may be deemed just and appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff requests a trial by jury on all issues properly triable by a jury.

Respectfully submitted,

Dated: September 11, 2017

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